



In deciding a motion for partial summary judgment, the court is not limited to the arguments presented by the parties. The court must decide whether Tennessee law prohibits an award of punitive damages based on the facts in this case. Plaintiffs may be assured that the court will consider the facts and the applicable law before reaching its decision, regardless of the parties' briefings.

For these reasons, Plaintiffs' motion to strike is DENIED.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE